allowing an impulse purchase to be made by receiving a buy command at a time

that is coincident with a time interval associated with the rendering of the content

material so that a purchase can be made during review of the content material,

creating at least one purchase request that includes the identifier of the item in

response to the buy command, and

storing the at least one purchase request for subsequent purchase of the item, and

communicating the purchase request to a provider of the item.

REMARKS

Entry of this Amendment, reconsideration of all grounds of rejection set forth in

the Final Office Action and a Notice of Allowance are respectfully requested in light of

the above amendments and the following remarks.

Summary of the Rejections:

(1) Claims 1, 2, 4, 5, 6, 7, 11-16, 19 and 20 stand rejected under 35 U.S.C.§102(e)

as allegedly being anticipated by Michael T. Daly et al. (U.S. 5,878,141 hereafter

"Daly").

(2) Claim 3 stands rejected under 35 U.S.C.§103(a) as allegedly being

unpatentable over Michael T. Daly as applied to claim 1, and further in view of John R.

Anderson (U.S. 5,991,601 hereafter "Anderson").

(3) Claims 8-10, 17 and 18 stand rejected under 35 U.S.C.§103(a) as allegedly

being obvious over Daly as applied to claims 1, 7, 12 and 15, and further in view of

Anderson and Mankovitz (U.S. 5,949,492 hereafter "Mankovitz").

Applicants' Traversal:

Applicants note that the instant invention allows "impulse buying" and tries to emulate this phenomenon while a buyer is using e-commerce rather than standing at the checkout of, for example, a Wal-Mart or Target and throwing items in the wagon that are enticing. The instant invention permits impulse buying during e-commerce by allowing a user to select that they want to purchase a particular item at any time they are reviewing the content material (whether that content material be audio, video, multi-media, etc).

Support for the changes made to claims 1, 7, 12, and 15 can be found at least at page 5, lines 15-22. Although a "buy" button is a preferable embodiment, there can be several other ways to allow an impulse purchase. The idea of an impulse purchase is to get the consumer to buy without thinking about whether or not they really want the item. Therefore, the easier that it can be made for one to make an impulse purchase, the greater than possibility that one will make such a purchase. This (ease of use) is one reason why credit card numbers can be stored, to permit the user to make a purchase with a minimum of disruption.

In the presently claimed invention, claim 1, for example, has been amended to recite:

> the input device including a purchase request buffer for impulse purchasing that allows a purchase request to be made during a same time that the rendering device is rendering content material by storing at least one purchase request and the item identifier to facilitate a purchase of an item corresponding to the item identifier subsequent to the rendering device rendering the content material, ...

This claimed feature can be carried out by permitting instantaneous purchasing of an item while it is being rendered to the user (i.e. while listening or view the content). Alternatively, this ability to make an impulse purchase can be made while reading a description and/or review of the material, rather than the actual material itself. Moreover, there can be an enticement regarding purchasing within a certain timeframe (10% discount if you purchase now, or in the next five minutes, etc). In the case of a portable device that does not always have an instantaneous link/connection to a seller, the purchase request buffer permits an impulse purchase to be made even though the actual transmission of the request to the seller may not be made for several second, minutes, or even hours of days. The idea is to allow the user to hit the buy button, and think the purchase has been made. This type of system stops the consumer from "thinking" about the purchase and possibly not buying it for a multitude of reasons that consumers have for not making such purchases.

It is respectfully submitted that none of the references, neither Daly, Daly in combination with Makovitz, and/or Anderson in view of Daly and Mankovitz disclose or teach the claimed structure and method for impulse purchasing via e-commerce as presently claimed. None of the references, alone or in combination, for example, permits a purchase request buffer to function as in the presently claimed invention. Nor would have any combination of the references, at the time of the instant invention, rendered any of the instant claims obvious to an artisan as the combinations of references fails to disclose, suggest, or motivate the artisan such that the instant claims would have been obvious.

Reconsideration and withdrawal of all grounds of rejection are respectfully

requested.

For all the foregoing reasons, it is respectfully submitted that all the present

claims are patentable in view of the cited references. A Notice of Allowance is

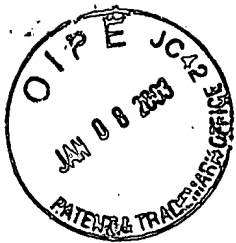respectfully requested.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Nicholas J. MANJOVICH

SERIAL NO.: 09/498,261   EXAMINER: Abdi KAMBIZ

FILED: February 3, 2000   ART UNIT: 3621

FOR: METHOD AND SYSTEM FOR PURCHASING CONTENT RELATED MATERIALS

MARKED VERSION SHOWING CHANGES MADE

Assistant Commissioner for Patents
BOX AF
Washington, DC 20231

Dear Sir:

In response to the Final Office Action mailed November 18, 2002, please amend the above-identified application as follows:

IN THE CLAIMS:

Please cancel claim 13 without prejudice or disclaimer.

Please amend the following claims:

1. (Twice Amended) A receiving system comprising:

a content access device that is configured to receive content material and an item identifier associated with the content material from a provider, and

a purchase request processor, operably coupled to the content access device and an input device, that is configured to receive a purchase request from the input device and the item identifier from the content access device, and produces therefrom a processed purchase request,

a rendering device, operably coupled to the content access device, that is

configured to render the content material;

the input device including a purchase request buffer for impulse purchasing that

allows a purchase request to be made during a same time that the rendering device is

rendering content material by storing at least one purchase request and the item identifier

to facilitate a [subsequent] purchase of an item corresponding to the item identifier

subsequent to the rendering device rendering the content material, and

wherein the content access device is further configured to communicate the

processed purchase request to the provider.

2. (Amended) The receiving system of claim 1, [further comprising:

a rendering device, operably coupled to the content access device, that is

configured to render the content material, and]

wherein the content access device is further configured to associate the

purchase request and the item identifier based on a coincidence of a time of receipt of the

purchase request and a time interval associated with the rendering of the content material.

7. (Twice Amended) A portable device comprising:

a broadcast receiver that is configured to receive content material and an

item identifier associated with the content material from a broadcast source,

a rendering device that is configured to render the content material, and

a purchase request buffer for impulse purchasing that allows a purchase request to

be made during a same time that the rendering device is rendering content material, said

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purchase request buffer being [that is] configured to store at least one purchase request

and the item identifier to facilitate a [subsequent] purchase of an item corresponding to

the item identifier subsequent to the rendering device rendering the content material.

12. (Twice Amended) A transfer device comprising:

a purchase request buffer that is configured to:

store and receive [at least one] a purchase request for a subsequent purchase from

a first device during any time of operation of the first device and

transmit the purchase request to a second device,

a memory configured for receiving content material from the second device in

response to the purchase request, and

transmit the content material to the first device.

15. (Twice Amended)   A method for facilitating a purchase of an item

associated with content material, the process comprising:

receiving the content material and an identifier of the item,

rendering the content material,

[receiving] allowing an impulse purchase to be made by receiving a buy

command at a time that is coincident with a time interval associated with the rendering of

the content material so that a purchase can be made during review of the content

material,

creating at least one purchase request that includes the identifier of the item in

response to the buy command, and

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storing the at least one purchase request for subsequent purchase of the item, and

communicating the purchase request to a provider of the item.